

### **REMARKS**

The Office Action dated March 2, 2009, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. Claims 1-31, 63, and 107-109 are currently pending under examination. Claims 32-62 and 64-106 were withdrawn from consideration. By this Amendment, claims 1, 18, 63 and 107-109 are amended. No new matter is added. Reconsideration of the Application in view of the above amendments and the following remarks is respectfully requested.

#### **Claim Rejections**

The Office Action rejects claims 1-2, 7-8, 10-13, 18-19, 22-24, 26-29, 63 and 107-109 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,093,718 to Hoarty et al. ("Hoarty") in view of U.S. Patent No. 5,506,902 to Kubota ("Kubota") and in further view of U.S. Patent No. 5,624,265 to Redford et al. ("Redford") and in further view of U.S. Patent No. 5,696,982 to Tanigawa et al. ("Tanigawa"), and in further view of U.S. Patent No. 6,195,667 to Duga et al. ("Duga"); rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in further view of Redford in further view of U.S. Patent No. 5,210,611 to Yee et al. ("Yee") and in further view of Tanigawa and Duga; rejects claims 4-5 and 20-21 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in further view of Redford in further view of U.S. Patent No. 5,632,022 to Warren et al. ("Warren") in further view of Tanigawa and Duga; rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in further view of Redford in further view of U.S. Patent No. 4,361,848 to Poignet and in further view of Tanigawa and Duga; and rejects claims 9, 14-17, 25 and 30-31 under 35 U.S.C. §103(a) as being unpatentable over Hoarty in view of Kubota in further

view of Redford in further view of U.S. Patent No. 5,475,399 to Borsuk in further view of Tanigawa and Duga. The Applicants respectfully traverse these rejections as follows.

The Applicants submit that Hoarty, Kubota, Redford, Tanigawa and Duga, alone or in combination, fail to disclose or suggest at least a combination of features relating to a system for transmitting and receiving text, and displaying an indication of the text, wherein the text is transmitted in an electronic signal, including at least the following combination of features: “an electronic collection of electronic books, ordered and transmitted electronically via the transmitter, wherein in response to a transmitted order, the ordered electronic book is transmitted from a remote operations center to the home subsystem and stored in the library unit of the home subsystem until a selection is received to view the electronic book; means for associating subscriber-created data with individual electronic books located in the collection of electronic books; means for storing the subscriber-created data with individual electronic books located in the collection of electronic books; means for receiving one of a subscriber-entered selection and a subscriber-defined selection; a menu generator that determines and generates a particular library menu of the books located in the collection based on at least one of the received selection and a default menu and generates a searchable menu of the electronic books in the electronic books collection; means for selecting search criteria for the searchable menu based on at least one of the subscriber-entered selection and the subscriber-defined selection; and a display, connected to the connector, that displays the particular library menu of books relating to the determination of the menu generator, and displays the subscriber-created data associated with each of the books included in the particular library menu,” as recited in claim 1 as amended.

Yee, Warren, Poignet and Borsuk fail to disclose the above features, and therefore, fail to cure the above noted deficiencies of Hoarty, Kubota, Redford, Tanigawa and Duga.

For at least the above reasons, the Applicants submit that amended claim 1 is allowable over the cited references. For similar reasons, the Applicants submit that amended claims 18, 63 and 107-109 are allowable over the cited references.

As claims 1, 19, 63 and 107-109 are allowable, the Applicants submit that claims 2-17 and 19-31, which depend from allowable claims 1 and 18, respectively, are likewise allowable over the cited references, as well as for the additional features recited therein.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the currently pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number set forth below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing Attorney Dkt. No. 026880-00013.

Respectfully submitted,



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